

REMARKS

This Amendment and Response are made in reply to the Final Office Action dated March 22, 2010, in which:

Claims 1-5, 9 and 10 were rejected under 35 USC § 102(b) as anticipated by Tan; and

Claims 6-8 were rejected under 35 USC § 103(a) as obvious over Tan in view of Kubiak.

Applicants thank the Examiner for the favor of a telephonic Interview granted to Applicants' Agent (Alan Harrison, Reg. No. 58,933), after the Final Office Action. In the Interview, the Examiner clarified that the rejections were maintained because the Examiner read "located in the flow path" to include Tan's pilot valve outlet opening at the wall of a flow path. The Examiner suggested that a claim reciting some variation on "extending into the flow path" would distinguish over Tan and Kubiak. Additionally, the Examiner further suggested that a claim could be added indicating that the suction nozzle arrangement was for reducing flow chatter when the valve element is away from the valve seat.

According to the Examiner's indication of potentially allowable subject matter, claim 1 is amended to incorporate material disclosed at least at page 2, line 25 to page 3, line 17 and page 7, lines 32-33, and in drawing Figure 1 of the written description. Claim 11 is added to incorporate material disclosed at least at page 3, lines 8-18 and page 2, lines 15-18 of the written description. No new matter is added. Claims 1-11 are pending.

Applicants respectfully submit that the present amendments are made only to place the application in condition for allowance, or in better form for appeal. Accordingly, Applicant respectfully requests that Examiner exercise discretion to enter and consider these amendments under 37 CFR 1.116(b).

Application Serial No.: 10/573,873
Final Office Action dated: March 22, 2010
Response to Final Office Action dated: May 13, 2010

Applicants respectfully submit that the proposed amendments render the claims allowable over Tan, even in view of Kubiak, and thereby render moot the outstanding rejections, as previously indicated by the Examiner. As the proposed amendments overcome each and every rejection raised by the Examiner, Applicants respectfully request that the Examiner enter the amendments, withdraw the rejections, and pass to issue claims 1-11.

Applicants believe no fees are due in connection with this Amendment and Response. If any fees are deemed necessary, Attorneys for Applicants hereby authorize the Commissioner to deduct such fees from our Deposit Account 13-0235.

Respectfully submitted,

By /Marina F. Cunningham/
Marina f. Cunningham
Registration No. 38,419
Attorney for Applicants

Customer No. 35301
McCORMICK, PAULDING & HUBER LLP
CityPlace II, 185 Asylum Street
Hartford, CT 06103-3402
(860) 549-5290